

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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**PERCY LAVAE BACON**

**Plaintiff,**

**vs.**

**OSWALD REYES, et al.,**

**Defendants.**

**2:12-cv-01222-JCM -VCF**

**ORDER**

**(Motion that Defendants are not entitled to be represented by the Nevada Attorney General #100, Motion to Bar the Defendants from using certain words #101, Motion to Amend/Correct #106, Motion to Strike #107, Motion to Amend #108, Motion that the Defendants and their Counsel has (sic) presented to this Honorable Court in "Bad Faith" #109, Motion Seeking Leave to File #110)**

Before the Court are *pro se* Plaintiff Percy Bacon's Motion that Defendants are not entitled to be represented by the Nevada Attorney General (#100), Motion to Bar the Defendants from using certain words (#101), Motion to Amend/Correct (#106), Motion to Strike (#107), Motion to Amend (#108), Motion that the Defendants and their Counsel has (sic) presented to this Honorable Court in "Bad Faith" (#109), and Motion Seeking Leave to File (#110). No oppositions have been filed.

**I. Relevant Background**

On June 25, 2013, *pro se* Plaintiff Bacon filed a fourth Motion for Temporary Restraining Order (#94), and a Motion for Preliminary Injunction (#95). On June 27, 2013, Plaintiff Bacon filed a Motion for Judgment on two questions. (#97). On June 28, 2013, the Court denied Plaintiff's Motion for Temporary Restraining Order (#94) and further ordered that Plaintiff<sup>1</sup> "must request leave of the court to

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<sup>1</sup>In the penultimate sentence of the Court's Order (#98), Plaintiff Bacon is inadvertently referred to as "the defendant." (#98). From the context of the Order (#98) it is clear that the Court is referring to Plaintiff Bacon and that the restrictions imposed on the filing of motions are directed at him.

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2 file any further motions with the court in this case” and that this request “may be no more than two  
3 pages and state the relief sought and the reason he is entitled to such relief.” (#98). Between the dates  
4 of July 1, 2013 and July 15, 2013, Plaintiff Bacon filed six Motions, *see* (## 100-01, 106-09). Four  
5 Motions (## 106-09) were attached to a separate Motion Seeking Leave to File (#110), pursuant to the  
6 Court’s prior Order (#98).

## 7           **II.     Discussion**

8           The Court has ordered that Plaintiff Bacon only file additional Motions if he has first requested  
9 leave of the Court, and that these requests state, in less than two pages, “the relief sought and the reason  
10 [Plaintiff Bacon] is entitled to such relief.” (#98). While none of Plaintiff Bacon’s first six motions  
11 satisfy the Court’s Order (#98), Plaintiff Bacon’s Motion Seeking Leave to File (#110) appears to meet  
12 the Court’s page limit restrictions. The Motion (#110) still fails, however, because Plaintiff Bacon has  
13 neither stated with specificity “the relief sought” nor the reason why Plaintiff Bacon “is entitled to such  
14 relief.” *See* (#98). Plaintiff Bacon states in his Motion (#110) the following:

15                   (1) “The matter asserted in the attached [Motions 106-09] has never been  
16                   raised and disposed of on the merits,” (2) the issues raised by the  
17                   aforementioned Motions are “not frivolous or made in bad faith,” (3)  
18                   Plaintiff Bacon has conducted “a reasonable investigation of the facts”  
19                   that “supports” the filing of his Motions, and (4) Plaintiff Bacon “cannot  
20                   provide a copy of the Order of this Court” requiring him to “seek leave to  
21                   file” because he “does not have a Court Order extending” his “copy  
22                   limited.” (#110).

23           Even if the Court takes these assertions as true, none of the statements specifically describe (1) what  
24 relief Plaintiff Bacon seeks, or (2) why Plaintiff Bacon is entitled to any stated relief. Simply because  
25 certain issues investigated in good faith by Plaintiff Bacon have yet to be addressed by this Court does

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2 not entitle Plaintiff to file Motions on those issues, pursuant to the Court's Order (#98). Unless Plaintiff  
3 Bacon can show why he is entitled to some specific relief sought through the Motions he wishes to file,  
4 the Court will not address any further filings made by him. Although the Supreme Court holds *pro se*  
5 parties to a less stringent standard than those who are represented by counsel, *see Haines v. Kerner*, 404  
6 U.S. 519, 520 (1972), the Ninth Circuit has held that this does not excuse *pro se* parties from following  
7 the Federal Rules of Civil Procedure or Orders of the Court. *See Jacobsen v. Filler*, 790 F.2d 1362,  
8 1364-65 (9th Cir. 1986). The Court is thus within its authority to strike the present Motions (## 100-02,  
9 106-10).

10       The goal of every civil action is to ensure that the proceedings are "administered to secure the  
11 just, speedy, and inexpensive determination of every action." *See* FED. R. CIV. P. 1. The Court provides  
12 a forum for all citizens to seek justice. It is not in the interest of the Court to hinder the ability of a party  
13 to pursue his claims. Neither, however, is it just to allow one party to monopolize scarce judicial  
14 resources at the expense of others. The purpose of the Court's prior Order (#98) is to allow Plaintiff  
15 Bacon an opportunity to continue pursuing his claim without halting the Court's ability to adjudicate  
16 other concurrent actions. If all parties filed motions with the same frequency and length as Plaintiff  
17 Bacon, the present action would effectively be delayed indefinitely. Compromises that limit a party's  
18 unfettered ability to file Motions are therefore necessary to maintain a functioning judiciary and are  
19 encouraged by the Federal Rules. *See* Fed. R. Civ. P. 1 (Advisory Committee Notes, 1993  
20 Amendment).

21       Accordingly and for good cause shown,

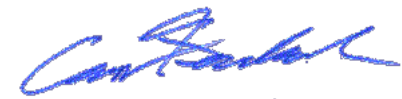
22       IT IS ORDERED that *pro se* Plaintiff Percy Bacon's Motion that Defendants are not entitled to  
23 be represented by the Nevada Attorney General (#100), Motion to Bar the Defendants from using  
24 certain words filed (#101), Motion to Amend/Correct (#106), Motion to Strike (#107), Motion to  
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Amend (#108), Motion that the Defendants and their Counsel has presented to this Honorable Court in "Bad Faith" (#109), and Motion Seeking Leave to File (#110) are STRICKEN.

IT IS FURTHER ORDERED:

1. Should Plaintiff Bacon wish to file any further Motions with the Court in this action, he must first request leave of the Court to file.
2. This request must be less than two pages in length and must state with specificity (1) the relief sought, and (2) the reason he is entitled to such relief.

DATED this 22nd day of July, 2013.



CAM FERENBACH  
UNITED STATES MAGISTRATE JUDGE